

1 MR. EISEN: It seems to me that that's the
2 evidence, the order that the judge actually released with
3 regard to the status quo, which is Rainbow Exhibit 5.

4 MR. COLE: Unfortunately, though, Your Honor, Mr.
5 Rey has testified that it wasn't the order that was
6 motivating him. It was that which transpired at the
7 hearing.

8 MS. POLIVY: That's the --

9 JUDGE CHACHKIN: In any event, I have heard
10 enough. The record will reflect what it reflects. You have
11 a pending question concerning whether this was a truthful
12 statement.

13 MR. COLE: That's correct.

14 JUDGE CHACHKIN: And we haven't had a response to
15 this.

16 Is this statement that you gave at this deposition
17 session, and it was referred to, is this a truthful
18 statement or not?

19 THE WITNESS: Yes, it is, Your Honor. They wanted
20 me to share the space.

21 JUDGE CHACHKIN: All right, let's proceed.

22 BY MR. COLE:

23 Q Mr. Rey, do you have any reason to believe that
24 Guy Gannett Publishing Company shared your understand that
25 Rainbow's construction was prohibited by some order of Judge

1 Marcus?

2 A I -- yes. I mean, they were not talking to me.
3 As far as I'm concerned, I couldn't build because the three-
4 room scenario cannot take place. That's what we had been
5 working on prior to the litigation. That's what we worked
6 on immediately after that litigation in June of 1991. They
7 are not talking to me. How can I -- the lease says I have
8 to talk to them to build. They are not talking to me.

9 Q Mr. Rey, when you refer to these three room
10 structure --

11 A Yes, sir.

12 Q -- is it correct that the three rooms refers to a
13 room for an FM station, a room for a Rainbow station, and a
14 room for a second television station; is that correct?

15 A That's correct, sir.

16 Q And you had previously testified, I believe this
17 morning, that there was in fact a slot on the tower at the
18 1400 foot level; isn't that correct?

19 A Yes.

20 Q Is it not true that Gannett could have put another
21 station at the 1400 foot level, utilizing the third room of
22 the transmitter building without violating any status quo
23 order of Judge Marcus?

24 A I don't know that. I mean, I understand that the
25 judge wants a status quo preserved, not to construct

1 transmitter building which is what was about to start
2 happening. To this day, I mean, that's where it stands, you
3 know. It's a three-room single construction. Landlord
4 cannot go forward. I cannot call the contractor, call
5 contracting and say let's build this. I cannot do that.
6 The lease prohibits me from doing that. The lease
7 specifically says that I have to go to the landlord and the
8 landlord does the contracting, does the invoicing, and then
9 turns around and invoices me the same dollar amount. It
10 specifically says that.

11 So how can I construct when the landlord is
12 prohibited from breaking the status quo? I don't
13 understand, sir. And there is no other station by Press
14 Broadcasting Station, so it cannot be done. The order
15 clearly says that it can't be done; cannot build for Press,
16 you, Defendant, Guy Gannett. Don't sign a lease. Don't
17 build for Press Broadcasting. And I am involved in that
18 construction.

19 So in the fifth and sixth extension we truthfully
20 represented it was delayed by that action in Miami. I still
21 don't understand.

22 Q Mr. Rey, do you have Rainbow Exhibit No. 7 in
23 front of you?

24 MR. COLE: If not, could counsel please provide
25 it?

1 (Pause.)

2 THE WITNESS: Yes, sir.

3 BY MR. COLE:

4 Q Referring specifically to page 19, it's a letter
5 on Rainbow Broadcasting Company stationery, three pages in
6 length, over your signature, addressed to James E. Baker,
7 Vice President/Finance, Guy Gannett Publishing Company.

8 Do you see that?

9 A Yes, sir.

10 Q Now, in the second paragraph on the first page of
11 this letter, second sentence begins, "Since Rick Edwards
12 initially presented the single construction concept, Rainbow
13 has consistently indicated its interests in pursuing that
14 concept and cooperating with Gannett."

15 Do you see that?

16 A Yes.

17 Q Is the single structure concept that you are
18 referring to there the notion of a three-room transmitter
19 building which would house transmitter for all three
20 broadcast tenants on the tower?

21 A Yes.

22 Q Now, Mr. Edwards, by the way, just to bring the
23 record up to date, that is the same Rick Edwards who is the
24 Guy Gannett representative at the tower site, kind of the
25 tower manager; is that correct?

1 A No, he's not at the tower site itself. He is in
2 charge of the Guy Gannett tower, yes.

3 Q Thank you.

4 And is it accurate to say that this letter dated
5 July 23, 1991, refers to the construction of the transmitter
6 building that you have been discussing this afternoon?

7 A Well, it says here, "Since August of 1990, Rainbow
8 has repeatedly requested and has yet to receive a copy of
9 the actual bid," et cetera.

10 Yeah, I think it refers to that building that
11 Rainbow has been trying to build since before the litigation
12 and was put on hold because of the litigation, and it was
13 resumed right after the litigation in June of 1991.

14 Q Now, paragraph two, third line, you state -- the
15 letter states, "Rainbow has consistently indicated its
16 interest in pursuing that concept."

17 Do you see that language?

18 A I'm sorry. What line again?

19 Q I'm sorry. It's paragraph two, third line, end of
20 the third line.

21 A Yes.

22 Q How did Rainbow consistently indicate its interest
23 in that regard?

24 A Multiple meetings with Rick Edwards. I believe
25 there were some letters. But we have always been

1 interested, and it made a lot of senses.

2 Q And over what period of time were those meetings
3 and letters?

4 Or if it is of assistance to you, I call your
5 attention to the next sentence or two sentences later where
6 Rick Edwards presented Rainbow with the idea of a single
7 structure in August of 1990.

8 A Back in August of 1990 is when he presented the
9 actual blueprints, yes.

10 Q And between August of 1990 and July 23, 1991, is
11 it accurate that Rainbow consistently indicated its interest
12 in pursuing that concept of a transmitter building?

13 A Between what dates? August --

14 Q August of 1990, which is when Mr. Edwards,
15 according to this letter, first presented the idea, and the
16 date of this letter.

17 A I believe in November of 1990 there was
18 information that Rainbow had been requesting from the
19 landlord for the construction of the building that preceded
20 August of 1990. There was a period of time from November of
21 1990 that the landlord was not forthcoming.

22 I mean, our consulting engineer, there's a letter
23 from him that was never answered. It all picks up again when
24 the litigation ends, so the preliminary injunction
25 proceeding ends in June of 1991. Thereafter, immediately

1 there is conversations and letters and meetings regarding
2 construction. The landlord did not participate in any
3 conversations with us regarding construction while the
4 litigation was taking place. The litigation meaning that
5 period of November 1990 and June of 1991.

6 Now, to suggest to me that I could just walk into
7 Guy Gannett and say, "Hey, let's build," I don't think
8 that's accurate at all. I cannot walk into the tower and
9 build. We are litigating. They are barely talking to me.
10 They are trying to get me to give them the missing details
11 of Exhibit C to the lease, which is the actual core of the
12 argument. There argument was there was no Exhibit C to the
13 lease. Exhibit C picks the two spots, the 1500 and the 1400
14 slot on the tower. And our position was that there was and
15 Exhibit C.

16 So I am getting letters from the president saying
17 give us the information for Exhibit B and C. And our
18 position was that the exhibits existed from the beginning,
19 and I was given an legal opinion that if we responded and
20 gave them the so-called information they were seeking for
21 Exhibits B and C, we just handed to them the case, because
22 we admitted that they were complete and nonexistent. So
23 there was a lot of legal opinions and strategies involved
24 here, and there was a delay.

25 This litigation caused the delay from November of

1 1990 to June of 1991, a delay to the construction of
2 Rainbow. Yes, it did. Rainbow was undergoing
3 preconstruction planning up until November of 1990, and it
4 picked up again days after Judge Marcus's decision.

5 There was a letter that I have seen attached to an
6 application for extension of construction permit dated June
7 18th that clearly says we cannot wait for your information
8 any longer, you know, we are going to try to build it
9 ourselves.

10 Q Going back to Rainbow Exhibit No. 7, page 19, the
11 July 23 letter to Mr. Baker, about two-thirds down that
12 paragraph, the second paragraph, there is a sentence which
13 reads, "Since August 1990, Rainbow has repeatedly requested
14 and has yet to receive a copy of the actual data which
15 identifies exactly what the contractor will be providing and
16 at exactly what price."

17 Do you see that sentence?

18 A Yes, I do.

19 Q Can you tell me what you meant by "repeatedly
20 requested"?

21 A Mr. Rick Edwards is on south Florida. He's a
22 local phone call. There were many requests for the
23 information regarding the treating of this three-room
24 addition that we wanted to participate in.

25 You know, I am not going to buy into something

1 blind. I want to see the bids, the contractor's bids. The
2 problem was is that they didn't bid it out. They just gave
3 it to one guy as it turns out later from my understanding,
4 but they needed bids. And I am not one to buy things blind.
5 I like to shop, and that's what this was all about. That
6 was part of the delay before the Marcus trial, and
7 thereafter it was also the delay. They never gave us the
8 information.

9 And here it is a month and a week after, a month
10 and two weeks after Judge Marcus, and I'm still asking for
11 the information after Judge Marcus's decision of June 6th.
12 This is July 3rd. It's a month and weeks after. And I
13 still don't have the info.

14 Q July 23rd, I believe. But the record will speak
15 for itself.

16 So if I can understand that answer, please, Mr.
17 Rey, your response to my question about what the meaning of
18 the term "repeatedly requested" was, is it accurate to say
19 that you telephoned Mr. Rick Edwards on multiple occasions?

20 A The answer is, Mr. Cole, there could have been
21 letters and phone calls that definitely exceed two. There
22 are probably more. Repeatedly means numerous times to me,
23 and I know that there were numerous attempts between myself
24 and the consulting engineer to get this information.

25 And again I repeat, this is July 23rd. The

1 Defendant is free on June 6th, and I still don't have the
2 information from them.

3 Q Over what period of time did you make those
4 requests to Mr. Edwards?

5 A I don't recall. During that period of August. The
6 litigation began. They stopped talking to me. It was
7 probably August, September, October, and maybe November.
8 And then there was a pause because of the litigation.

9 Q Mr. Rey, let me show you a document -- your
10 counsel may have a copy for you, it was distributed
11 yesterday, of what was received in evidence as Press Exhibit
12 No. 7. A letter from James Baker to you dated July 17,
13 1991.

14 I'll ask you to take a look at that please.

15 MS. POLIVY: Did you say 7?

16 MR. COLE: Press 7.

17 MS. POLIVY: July 17th?

18 MR. COLE: Yes, July 17th.

19 THE WITNESS: Mr. Eisen, could I have a copy?

20 MS. POLIVY: Yes.

21 Was that received?

22 MR. COLE: Yes, it was received according to my
23 notes.

24 MS. POLIVY: That's okay.

25 (Witness reviews document.)

1 THE WITNESS: Yes, Mr. Cole.

2

3 BY MR. COLE:

4 Q I notice in Rainbow Exhibit No. 7, page 19, the
5 July 23rd letter that you wrote to Mr. Baker, that you
6 referred to a letter that you received from him dated July
7 17.

8 Is the letter that I have just handed you that is
9 Press 7 that letter, to the best of your recollection; that
10 is, the letter to which you were responding?

11 MS. POLIVY: Your Honor, does the witness have
12 both letters?

13 THE WITNESS: July 17th. What is the date of the
14 other letter?

15 BY MR. COLE:

16 Q You have in front of you as Rainbow Exhibit No. 7,
17 page 19, a three-page letter from you to Mr. Baker dated
18 July 23rd.

19 I have just provided to you a six-page document
20 which consists of a four-page letter and a two-page
21 attachment from Mr. Baker to you dated July 17.

22 Do you have both of those items in front of you?

23 A Yes, I do.

24 Q And my question to you is in your letter, the July
25 23 letter, you refer in the first paragraph to a letter that

1 you had received from Mr. Baker dated July 17.

2 And my question to you is, is the letter that you
3 are holding in your hand dated July 17, 1991, addressed to
4 you from Mr. Baker the letter to which you were referring in
5 your July 23rd letter?

6 A And I'm not sure because I specifically am making
7 reference to an unsigned letter, and this one is signed.
8 "This letter is in response to your unsigned letter of July
9 17, 1991." and this is signed. It could be the same letter.
10 It could not be. I don't know.

11 Q Do you have any reason to believe it's not the
12 same letter?

13 MS. POLIVY: Your Honor, he has explained his
14 reasons.

15 JUDGE CHACHKIN: Well, yesterday he thought it was
16 the letter he was referring to, and nobody objected to it.
17 The witness was shown that letter.

18 THE WITNESS: Your Honor, it looks familiar. I
19 don't know if every single word herein is the one that I
20 received unsigned. This letter looks very familiar.

21 MS. POLIVY: And, Your Honor, he wasn't on the
22 stand yesterday.

23 JUDGE CHACHKIN: I understand, but before you
24 agreed to its admission you checked with him specifically.

25 MS. POLIVY: Did you?

1 THE WITNESS: I saw it. It looks familiar.

2 MR. EISEN: Let's go ahead. He said that it
3 looked familiar.

4 THE WITNESS: It looks familiar.

5 MS. POLIVY: But that's a different question, Your
6 Honor, than is this the letter responding to that.

7 JUDGE CHACKIN: Well, yesterday's transcript will
8 speak for itself.

9 What's your question, Mr. Cole?

10 BY MR. COLE:

11 Q Well, let me ask you this, Mr. Rey.

12 Do you recall receiving a letter from John De
13 Mateo in November of 1990, requesting your agreement to the
14 single building concept that would provide space for several
15 TV and radio tenants at the Bithlo site?

16 A I remember receiving a letter from John De Mateo
17 in which Mr. De Mateo wanted information that would complete
18 Exhibits B and C to the 1986 lease. He might have requested
19 other things in that letter. But the problem with his
20 letter, his proposal to the three-room scenario, is that he
21 wanted details for complete Exhibits B and C, and my counsel
22 was totally opposed to taking that action from a legal point
23 of view because our position was that the lease was complete
24 in its face in 1986, and there was no need to add
25 information to Exhibits B and C, which Defendants would use

1 that to argue that the lease was incomplete. That kind of
2 thing, now we're getting into legal opinions.

3 But, yes, I do recall getting a letter from John
4 De Mateo, and I do recall the essence of that letter,
5 wanting information regarding Exhibits B and C, and that we
6 could not provide that as a matter of legal defense, if you
7 will, or legal positioning.

8 I don't know if that answers your question.

9 Q But it is correct that there was an outstanding
10 request for information presented to Rainbow by Gannett in
11 November of 1990 which Rainbow elected not to respond to?

12 A if you characterize a pending request as a bait to
13 a litigation that answering that letter would have made the
14 Plaintiff's position in the litigation obsolete, if you
15 will, I guess so.

16 But I was instructed by lawyers at the time very,
17 very clearly that it was a baited letter, and that we could
18 not give him the information that they so-called requested
19 so we can participate in the three-room scenario.

20 Now, if you look at correspondence prior to
21 litigation and after the litigation, by that I mean from the
22 period of November of 1990 and June 6 of 1991, letters to
23 either side of those dates indicates Rainbow's willingness
24 and desire to construct the station.

25 Q But you didn't construct the station during that

1 period of time, did you?

2 A During what period of time, sir?

3 Q The period of time that you just referred to.

4 A We had a lot of preconstruction on both sides.

5 Had the Commission given us a free and clear CP in July of

6 1991, that station would have been on the air by mid 1992.

7 Q Looking at Mr. Baker's July 17 letter, which is
8 identified as Press Exhibit No. 7, could you please refer to
9 the last sentence on page 2 -- page 1 of the document,
10 running over to the top of page 2?

11 The sentence which begins, "During the last year,
12 and more recently during the last seven months," do you see
13 that language?

14 MS. POLIVY: I'm sorry, Your Honor. He has my
15 copy.

16 THE WITNESS: Yes.

17 BY MR. COLE:

18 Q Now, do you have any reason to believe -- strike
19 that.

20 To the best of your knowledge, was it true that
21 during the period of time, approximately July 17, 1990 to
22 July 17, 1991, and particularly during the period of time
23 December 1990 to July 1991, Gannett had been moving forward
24 with the permitting process for the building addition and
25 negotiations with the contractor for construction of the

1 building shell?

2 MS. POLIVY: Your Honor, I object to the form of
3 the question. I don't even understand it. What process are
4 we talking about here?

5 JUDGE CHACHKIN: I will sustain the objection.

6 Go ahead. Do you want to show him something to
7 read to himself?

8 JUDGE CHACHKIN: I am referring to the language in
9 the Baker letter where Mr. Bakers says that Gannett had been
10 moving forward for a particular period of time.

11 JUDGE CHACHKIN: And what's your question? He can
12 read that to himself.

13 MR. COLE: Does he have any doubt that that was an
14 accurate statement.

15 THE WITNESS: I have no idea whether they were
16 seeking construction permits or not.

17 BY MR. COLE:

18 Q Did you ever ask them?

19 MS. POLIVY: Objection, Your Honor. What
20 difference does it make?

21 JUDGE CHACHKIN: Overruled.

22 THE WITNESS: Did I ever ask them what?

23 BY MR. COLE:

24 Q Whether they were proceeding with the process of
25 constructing the building?

1 A When?

2 Q During the period of time July of 1990 through
3 July 17 of 1991.

4 A No, I never asked them. There was no reason to
5 ask them.

6 Q Now, let me direct your attention again in the
7 Baker letter to page 2, the very first sentence, first
8 complete sentence where it reads, "Until recently, it was
9 our understanding that you would not build your television
10 station if Press Broadcasting was allowed on our tower."

11 Do you see that language?

12 A Yes, I do.

13 Q Did you ever advise anyone at Gannett that Rainbow
14 would not be willing to build its station if Press was
15 allowed on the Gannett tower?

16 A It was the position, it was my believe at the time
17 of the litigation in December of 1990, January of 1991, that
18 it would have been worthless for Press to have been the
19 fifth station and we would have been the sixth station.
20 That's what I think this is referring to.

21 And until recently, the litigation ended, and we
22 decided to go forward. Things had changed, some had not,
23 but we were willing to go forward.

24 Jus there, "We understand now that you intend to
25 occupy the tower space." It makes reference to what I

1 testified to earlier.

2 Q But my question now is did you tell anyone at
3 Gannett about that position?

4 A In June 18th, again, I sent a letter to Gannett
5 requesting certain information that we needed, or
6 complaining that we had not received the information that we
7 needed. It was the bids, it had to do with bids. And I
8 advanced the names of a couple of different contractors for
9 their approval as per the lease.

10 Q That's June 18, 1991?

11 A That's correct.

12 Q Prior to June 18, 1991, did you ever advise anyone
13 at Gannett that it was Rainbow's intention not to build the
14 station if Press was allowed on the tower?

15 A Other than the testimony in the court, I don't
16 think there was any correspondence between ourselves and
17 Gannett during the period of December of 1990 and June,
18 early June of 1991, when the litigation was active -- that I
19 recall.

20 MR. COLE: Just a moment, Your Honor.

21 MS. POLIVY: Is this a good time for a break?

22 JUDGE CHACHKIN: I will wait until Mr. Cole
23 finishes cross-examination. Depends on how long it takes.

24 BY MR. COLE:

25 Q Mr. Rey, I believe it's been your testimony today,

1 and please correct me if I am wrong, that Rainbow did not
2 construct its station between August of 1991 and June of
3 1993 because it didn't have a construction permit; is that
4 correct?

5 A That's correct.

6 Q Do you have in front of you Joint Exhibit No. 4,
7 which is the Rainbow fifth extension application?

8 MS. POLIVY: Four?

9 MR. COLE: I'm sorry.

10 THE WITNESS: Which extension?

11 MR. COLE: Three. Three.

12 THE WITNESS: Yes, Mr. Cole.

13 BY MR. COLE:

14 Q My question is, is there any language in this
15 application which suggests that Rainbow would refrain from
16 moving forward if its application were not granted?

17 A Mr. Cole, I am not going to invest Mr. Howard
18 Conant's money, good money, if I don't have a way of signing
19 on a station, and a way of repaying that money. So if I
20 don't have a clear path, which is the deal I made with
21 Howard, I am not even going to dream of saying, "Howard,
22 lend me a dollar. I want to put the station on if I cannot
23 pay that dollar.

24 Q So it was not accurate for you to say in this
25 application at page 2 of Exhibit 4, that Rainbow will

1 commence operation prior to December 31, 1992, as it
2 previously informed the Commission?

3 A Contingent on granting an application. I have to
4 have a valid permit. Anybody should have a valid permit
5 before they construct.

6 I'm sorry, Mr. Cole. I think the question is
7 silly.

8 Q Mr. Rey, would you turn to Joint Exhibit No. 5.

9 A Yes, sir.

10 Q Which is the November 1991 supplement to the sixth
11 extension application. And I refer your attention to page 2
12 which is a statement signed by you and, I believe, dated
13 November 25, 1991.

14 Do you see that?

15 A Yes, sir.

16 Q In the third full paragraph it reads, "It is
17 anticipated that the equipment contracts will be let in
18 early 1992 and that the station will be in operation by
19 December 1992."

20 Do you see that language?

21 A I see that language, sir.

22 Q Do you also see the paragraph immediately
23 preceding that, "In July 1991, Rainbow undertook
24 construction of the transmitter building, and the
25 transmitter and tower location"?

1 A Correct.

2 Q "And that construction at a cost of approximately
3 \$60,000 was completed early this month"?

4 A Correct.

5 Q "With the completion of the buildings to house the
6 transmitters, Rainbow is actively engaged in finding
7 equipment selection"?

8 A Correct.

9 Q The equipment bids are being accepted on the full
10 RF plans?

11 A Correct.

12 Q And the language I just read, "It anticipated the
13 equipment contract will be let in the middle of 1992 and
14 that the station will be operational by December 1992."

15 A It clearly assumes, sir, that I need a valid
16 construction permit. This is a supplement to the
17 application for extension of broadcast construction permit.
18 I can do a lot of preconstruction work to move it along, but
19 I am not going to go to Howard, and Howard is not going to
20 give me the money, even if he would give me the money, I
21 would not do it, I would not put his money in jeopardy to
22 buy, you know, a million dollars transmitter when I don't
23 have a valid construction permit.

24 Again, I think your question is silly. This goes
25 towards the extension application, telling the Commission,

1 what we are doing. We are engaged in working into the
2 construction, give us the construction permit so we can
3 actually buy these things, so I can take bids. I can select
4 equipment. I took a \$60,000 risk. That was my money, not
5 Howard's money. That I would risk, my own money.

6 Except I don't have a couple million dollars to
7 buy a transmitter and antenna, and I'm not going to risk his
8 money or anybody's money unless I know in my heard that I
9 had a viable plan and I can pay that money back. And not
10 having a construction permit is not a viable plan.

11 When the FCC say to me, "Sorry, Joe, you can't
12 turn it on, we're not going to extend the permit," then what
13 do I do? Try and submit it back to the manufacturer for
14 every penny I paid for it? The answer is no. They are not
15 going to guy it back.

16 I think it's silly.

17 Q Were does it say in this exhibit over your
18 signature, sir, that the representations made in the
19 statement are contingent on a grant of the application?

20 A Mr. Cole, this is supplemental to the application
21 extension. We are keeping the FCC informed as to what we
22 are doing. We are trying to tell the FCC please act on
23 this, and this is what we are doing. We have built the
24 building. We are talking bids. We are actively engaged in
25 preconstruction work. Cut our hands lose so we can build

1 the station. That's what this is saying.

2 Q Could you point me to the language where it says
3 that?

4 MR. EISEN: Objection, Your Honor.

5 JUDGE CHACHKIN: Overruled. Overruled.

6 THE WITNESS: The language, sir, is supplemental
7 to our application for extension. We are telling them where
8 we are at. This is where we are at.

9 BY MR. COLE:

10 Q So the language that you are pointing to that sets
11 forth the understanding you just described in your narrative
12 statement is contained in the title of this one-page
13 document?

14 MS. POLIVY: Your Honor, he is badgering the
15 witness. The witness has testified the basis on which he
16 has answered the question.

17 JUDGE CHACHKIN: Overruled. The witness can
18 answer the question whether there is some language in here
19 which --

20 MS. POLIVY: It speaks for itself, Your Honor.
21 It's in evidence.

22 JUDGE CHACHKIN: Overruled.

23 THE WITNESS: And the answer is yes, sir. It's
24 supplement to the application for extension. That to me
25 means that I am telling the Commission this is what I am

1 doing. I am waiting for you, Commission, to extend the
2 construction permit.

3 MR. COLE: Just a moment, Your Honor.

4 (Pause.)

5 MR. COLE: Your Honor, I would like to present the
6 witness with another document. I have provided copies to
7 the reporter and Your Honor. This is a 44-page document
8 with an unpaginated, unnumbered title page entitled
9 "Application of Rainbow Broadcasting Company for Consent to
10 the Assignment of the Construction Permit of Station
11 WRBW(TV), File No. BTCCT 911129KT.

12 And I ask that this be marked for identification
13 as Press Exhibit No. 18.

14 JUDGE CHACHKIN: The document described is marked
15 for identification as Press Exhibit 18.

16 MR. COLE: Thank you, Your Honor.

17 (The document referred to was
18 marked for identification as
19 Press Exhibit No. 18.)

20 MR. COLE: And just so Your Honor and the parties
21 can know while this is a voluminous document my cross-
22 examination about it will be restricted to, I believe, on
23 paragraph on one page. I only distributed it so that
24 everyone can see the document and there will be no question
25 on anything that might have been in the document.

1 (Witness reviews document.)

2 THE WITNESS: Yes, Mr. Cole?

3 BY MR. COLE:

4 Q I want to refer you to page 3 of this document
5 which is entitled Exhibit 1, and I want to refer you in
6 particular to the first paragraph of that, although you
7 should feel free, of course, to review the remainder of that
8 page or anything else in there to refresh your recollection
9 or you believe it would be helpful.

10 JUDGE CHACHKIN: What is the question?

11 MR. COLE: I was waiting for him to read it.

12 THE WITNESS: The first paragraph, "Rainbow
13 Broadcasting Company"?

14 BY MR. COLE:

15 Q "...is proposing a reorganization."

16 A Yes, sir.

17 Q Now, isn't it true that your statement that
18 Rainbow stated in that paragraph an unconditional intention
19 to have the station on the air by December 1992?

20 A I think this is not the only document. I think
21 there are numerous documents, including the very first one
22 in 1990 that we were telling the Commission that we intended
23 to have the station on the air no later than December of
24 1992, yes.

25 Q And does the document that you have in front of